

Bradley S. Keller, WSBA #10665
Ralph E. Cromwell, Jr., WSBA #11784
Jofrey M. McWilliam, WSBA #28441
Byrnes Keller Cromwell LLP
1000 Second Avenue, 38th Floor
Seattle, WA 98104
(206) 622-2000
Facsimile No.: (206) 622-2522

Attorneys for Perkins Coie LLP

The Honorable Frederick P. Corbit
Chapter: 7

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

GIGA WATT, INC., a Washington
corporation,

Debtor.

MARK D. WALDRON, as Chapter 7
Trustee,

Plaintiff,

vs.

PERKINS COIE, LLP, a Washington
limited liability partnership; LOWELL
NESS, individual and California resident;
GIGA WATT PTE., LTD. a Singapore
corporation; and ANDREY KUZENNY, a
citizen of the Russian Federation;

Defendants

and

THE GIGA WATT PROJECT, a
partnership,

Nominal defendant.

No. 18-03197-FPC11

The Honorable Frederick P. Corbit

CHAPTER 7

Adv. Case No. 20-80031

**NOTICE OF NINTH CIRCUIT
ORAL ARGUMENT SETTING**

(December 6, 2022)

NOTICE OF NINTH CIRCUIT
ORAL ARGUMENT SETTING - 1

BYRNES ♦ KELLER ♦ CROMWELL LLP
38TH FLOOR
1000 SECOND AVENUE
SEATTLE, WASHINGTON 98104
(206) 622-2000

1 Attached hereto and incorporated herein as Appendix "A" is a true and correct
2 copy of the Notice of Oral Argument from the Ninth Circuit, setting oral argument for
3 December 6, 2022, on the appeal of this Court's Order Denying Perkins' and Ness'
4 Motion to Compel Arbitration and Stay (ECF 51), dated April 22, 2021.
5

6 DATED this 26th day of September, 2022.

7 BYRNES KELLER CROMWELL LLP

MUNDING, P.S.

8 By /s/ Bradley S. Keller

By /s/ John Munding

9 Bradley S. Keller, WSBA #10665

John Munding, WSBA #21734

10 By /s/ Ralph E. Cromwell, Jr.

309 E. Farwell Rd., Suite 310

Ralph E. Cromwell, Jr., WSBA #11784

Spokane, Washington 99218

11 By /s/ Jofrey M. McWilliam

509-590-3849

Jofrey M. McWilliam, WSBA #28441

Fax: (509) 624-6155

12 1000 Second Avenue, 38th Floor

Email: john@mundinglaw.com

13 Seattle, Washington 98104

206-622-2000

14 Fax: (206)-622-2522

*Attorneys for Perkins Coie LLP and
Lowell Ness*

15 Email: bkeller@byrneskeller.com

16 rcromwell@byrneskeller.com

17 jmcwilliam@byrneskeller.com

18
19
20
21
22
23
24
25
26
NOTICE OF NINTH CIRCUIT
ORAL ARGUMENT SETTING - 2

BYRNES ♦ KELLER ♦ CROMWELL LLP
38TH FLOOR
1000 SECOND AVENUE
SEATTLE, WASHINGTON 98104
(206) 622-2000

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

APPENDIX A

From: ca9_ecfnoticing@ca9.uscourts.gov
Sent: Sunday, September 25, 2022 6:12 AM
To: Jofrey McWilliam
Subject: 22-35104 In re: Mark D. Waldron, et al v. Perkins Coie LLP, et al "NOTICE -- Oral Argument Schedule"

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

United States Court of Appeals for the Ninth Circuit

Notice of Docket Activity

The following transaction was entered on 09/25/2022 at 6:12:23 AM Pacific Daylight Time and filed on 09/25/2022

Case Name: In re: Mark D. Waldron, et al v. Perkins Coie LLP, et al

Case Number: 22-35104

Docket Text:

Notice of Oral Argument on Tuesday, December 6, 2022 - 09:30 A.M. - Courtroom 1 - Scheduled Location: San Francisco CA.

The hearing time is the local time zone at the scheduled hearing location.

View the Oral Argument Calendar for your case [here](#).

NOTE: Although your case is currently scheduled for oral argument, the panel may decide to submit the case on the briefs instead. See Fed. R. App. P. 34. Absent further order of the court, if the court does determine that oral argument is required in this case, you may have the option to appear in person at the Courthouse or remotely by video. Anyone appearing in person must review and comply with our Protocols for In Person Hearings, available [here](#). At this time, an election to appear remotely by video will not require a motion. The court expects and supports the fact that some attorneys and some judges will continue to appear remotely. If the panel determines that it will hold oral argument in your case, the Clerk's Office will contact you directly at least two weeks before the set argument date to review any requirements for in person appearance or to make any necessary arrangements for remote appearance.

Please note however that if you do elect to appear remotely, the court **strongly prefers** video over telephone appearance. Therefore, if you wish to appear remotely by telephone you will need to file a motion requesting permission to do so.

Be sure to review the [GUIDELINES](#) for important information about your hearing, including when to be available (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

If you are the specific attorney or self-represented party who will be arguing, use the [ACKNOWLEDGMENT OF HEARING](#)

NOTICE filing type in CM/ECF no later than 28 days before Tuesday, December 6, 2022. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice.[12548581]. [22-35104] (KS)

Notice will be electronically mailed to:

Mr. Jason W. Anderson, Attorney: anderson@carneylaw.com, saiden@carneylaw.com
Honorable Stanley Allen Bastian, Chief District Judge: Stan_Bastian@waed.uscourts.gov
Mr. Ralph E. Cromwell, Jr., Attorney: rcromwell@byrneskeller.com, ssandusky@byrneskeller.com
Ms. Pamela Marie Egan, Bankruptcy Counsel: pegan@potomacclaw.com
Mr. Michael Barr King, Attorney: king@carneylaw.com, saiden@carneylaw.com
Jofrey M. McWilliam: jmcwilliam@byrneskeller.com, ssandusky@byrneskeller.com, docket@byrneskeller.com
Mr. John D. Munding, Attorney: john@mundinglaw.com, karen@mundinglaw.com